

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

WILLIAM JAMES BROWN

PLAINTIFF

v.

Civil No. 06-5118

DEPUTY McCULLEY;
DEPUTY HAMMOCK;
CAPT. HUNTER PETRAY;
AND NURSE SUE

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 29, 2006. He proceeds pro se and *in forma pauperis*.

On January 2, 2007, defendants filed a motion to compel responses to discovery requests (Doc. 17). The motion to compel was granted by order entered on January 3, 2007 (Doc. 20). Plaintiff was given until 5:00 p.m. on January 16, 2007, to provide the defendants with the discovery responses.

On January 24, 2007, defendants filed a motion to dismiss (Doc. 22). In their motion, defendants noted they had not received the discovery responses or any communication from the plaintiff.

By order entered on January 24, 2007 (Doc. 24), plaintiff was given until the close of business on February 19, 2007, to show cause why this action should not be dismissed based on his failure to respond to the discovery requests in a timely manner and on his failure to obey an

order of the court. Plaintiff was advised that if he failed to respond to this show cause order the undersigned would recommend that the case be dismissed based on the plaintiff's failure to prosecute and his failure to obey the orders of this court.

To date, plaintiff has not responded to the show cause order. Plaintiff has not sought an extension of time to respond to the show cause order. Plaintiff has not communicated with the court in anyway. The court's order was mailed to the same address as other documents filed with the court. No mail has been returned to the court as undeliverable.

I therefore recommend that the defendants' motion to dismiss (Doc. 22) be granted and this case be dismissed based on the plaintiff's failure to prosecute this action and his failure to obey the orders of the court.

The parties have ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 21st day of February 2007.

/s/ J. Marschewski
HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE